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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7179 of 2007

PETITIONERS :

1. Smt. Savitri Dubey, Aged about 50 years, Wd/o Late Jagatnarayan Dubey Caste Brahmin, Through Power of attorney Holder Gulabdutt Dubey, Aged about 70 years, S/o Late Kedarnath Dubey.
2. Ramesh Kumar Dubey, Aged about 39 years, S/o Gulabdutt Dubey,
3. Mahendra Kumar, aged about 34 years, S/o Bhagwat Prasad,

All R/o Village Sardi, Tahsil Baikunthpur, Distt. Koria (CG).

VERSUS

RESPONDENTS :

1. State of Chhattisgarh through The Secretary Rehabilitation Department DKS Bhawan, Raipur (CG).
2. South Eastern Coalfields Limited Through the General Manager, Baikunthpur area, Distt. Koria (CG).
3. Sub Area Manager, Charcha West Colliery, (SECL) Post Charcha, Distt. Koria (CG).
4. Collector, Koria, Baikunthpur.
5. Sub Divisional Officer, Baikunthpur, Distt. Korea (CG).

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Shri D.N. Prajapati, Advocate for the petitioners.
Shri Satish Gupta, Deputy Government Advocate for the State.

ORAL ORDER
(Passed on this 04th of December, 2007)

1. The husband of petitioner No. 1, petitioner No. 2 & 3 alongwith three other petitioners filed a petition in the year 2003, being W.P. No. 935 of 2003 (Jagat Narayan & Others Vs. The State of Chhattisgarh & Others).

2. This court, after hearing the parties at length particularly on the basis of the concession made by the counsel for the respondent No. 2 and 3 to the fact that under the policy of land acquisition, one member of the land holder is entitled to employment in addition to compensation against the acquisition

of land and further it was granted to several persons. The petition was allowed with a direction to the respondent No. 2 and 3 to refer the case of the petitioners to the committee constituted for the purpose of employment to one member of the land holder's family and pass order of appointment accordingly, in accordance with the policies of the State as well as the Company.

3. Pursuant to the order dated 09.01.2006, passed by this Court in W.P. No. 935 of 2003, cases of the petitioners were considered. Petitioner No. 1 was informed that under the policy, her husband Shri Jagat Narayan, who was the writ petitioner in W.P. No. 935 of 2003, was given appointment in addition to compensation in lieu of acquisition of his land. Thereafter, the application of the petitioner was again considered under the said scheme. Petitioner No. 2 had already been given employment as it is clear from the letter dated 17/19.10.2006 (Annexure P/4) and working in Charcha West Colliery.

4. In respect of petitioner No. 3, the respondent No. 2 and 3 communicated the decision of the authorities vide letter dated 22.08.2007 (Annexure P/5), that the Son-in-Law of the land owner is not entitled to employment under the rehabilitation policy, thus the same was rejected.

5. Learned counsel appearing for the petitioner further submits that the Son-in-Laws have been given employment in several cases.

6. Petitioner No. 3 was denied the appointment. In respect of petitioner No.1 and 2, the order passed by this court on 09.01.2006 in W.P. No. 935 of 2003 (Jagat Narayan & Others Vs. The State of Chhattisgarh & Others) (supra) has been complied with. If, there is any case, where the Son-in-Law has been granted appointment in addition to compensation in lieu of acquisition of land, the respondent authorities (respondent No. 2 and 3) may consider

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the application of petitioner No. 3, in the light of appointment made to Son-in-Law, if any.

7. There is no merit in this case. The petition deserves to be and is accordingly disposed of.

Sd/-
Satish K. Agnihotri

Sahu